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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR           | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|--|-------------|--------------------------------|------------------------------|------------------|
| 10/725,633   | 12/03/2003  | Gudmundur Fertram Sigurjonsson | SIGU3001/JEK/JJC             | 4658             |
| 23364  | 7590        | 06/15/2006                     |                              |                  |
| BACON & THOMAS, PLLC<br>625 SLATERS LANE<br>FOURTH FLOOR<br>ALEXANDRIA, VA 22314 |             |                                | EXAMINER<br>HAND, MELANIE JO |                  |
|  |             |                                | ART UNIT                     | PAPER NUMBER     |
|  |             |                                | 3761                         |                  |

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/725,633

Applicant(s)

SIGURJONSSON ET AL.

Examiner

Melanie J. Hand

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,8-10,15-17 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,11-14 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date see Other.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: IDS: 12/3/03, 7/29/04, 2/1/05.

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for priority under copending provisional Application No. 60/437,146 filed on December 31, 2002.

### ***Information Disclosure Statements***

The information disclosure statements (IDS) submitted on December 3, 2003, July 29, 2004, and February 1, 2005 were filed on and after the mailing date of the Application on December 3, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Election/Restrictions***

Claims 5, 6, 8, 9, 10, 15-17 and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 24, 2006.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

With respect to **Claim 2**: Dadanis teaches that the pleats are located between the center portion of the bandage and the border portion.

With respect to **Claim 13**: Edenbaum teaches that the liquid-impermeable skin is a urethane skin.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edenbaum et al ('659) in view of Dadanis ('536) as applied to claims 1-4, 7 and 18 above, and further in view of Pocknell (U.S. Patent No. 4,991,574).

With respect to **Claims 11,12**: Neither Edenbaum nor Dadanis teaches a silicone gel facing layer. Pocknell teaches a surgical dressing comprised of a substantially planar (claim 12) silicone gel layer that defines the facing layer that is oriented toward the skin of the user. Pocknell teaches that silicone gels are able to be integrated into a dressing in sheet form and the gel adapts itself to the contours of the human body and is an effective aid in preventing scarring, therefore it would be obvious to one of ordinary skill in the art to incorporate a gel sheet as the facing layer of the dressing taught by the combined teaching of Edenbaum and Dadanis to provide a dressing that conforms and creates a comfortable interface and inhibits scarring as taught by Pocknell.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edenbaum et al ('659) in view of Dadanis ('536) as applied to claims 1-4, 7, 13 and 18 above, and further in view of Andrews et al (U.S. Patent No. 5,914,125)

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With respect to **Claim 14**: Edenbaum teaches that foam 10 is polyurethane foam but does not teach that the foam can stretch to 75% elongation without rupturing when said foam is saturated with moisture. Andrews teaches a wound dressing comprising a polyurethane foam having an elongation to break of 530%, therefore, even at saturation (increased density of moisture), the elongation to break could not be less than 75%. Andrews teaches that this wound dressing is intended for use on heavily exuding wounds therefore it would be obvious to one of ordinary skill in the art to modify the polyurethane foam taught by Edenbaum so as to have the same composition as the polyurethane foam taught by Andrews as this composition yields a foam that can be used to manage heavily exuding wounds without rupturing.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand  
Examiner  
Art Unit 3761

MJH

TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

